

MINISTRY OF JUSTICE

Law on Academy for Training of Judges and Prosecutors

Skopje, February 2006

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I. GENERAL PROVISIONS

Establishment

Article 1

The institution with a title “Academy for Training of Judges and Prosecutors” (hereinafter: the Academy), which is not part of the regular educational system is hereby established by this Law, which defines the status, activities, managing bodies, financing and funds of operation, as well as the manner and the conditions under which shall be conducted the initial training of candidates for judges and deputy public prosecutors, the continuous professional education of the judges, public prosecutors and of the judicial and prosecution clerks.

Purpose of Establishing the Academy

Article 2

The main purpose of the Academy is to provide competent, professional, independent, impartial and efficient performance of judicial and prosecution function through selection, organisation and implementation of initial training of candidates for judges and prosecutors and continuous professional training of judges and prosecutors and judiciary and prosecution clerks.

Status of the Academy

Article 3

- (1) The Academy as a public institution performs an activity of public interest and has a status of legal entity.
- (2) The headquarters of the Academy is in Skopje.

Seal of the Academy

Article 4

- (1) The Academy has its seal.
- (2) The seal contains the name Republic of Macedonia and the herald of the Republic of Macedonia, the name and the headquarters of the Academy.

- (3) The form and the content of the seal and the manner of its use will be regulated by the Statute of the Academy.

Acts of the Academy

Article 5

The basic act of the Academy is the Statute.

The Statute shall define the following issues:

- the management of the Academy;
- the organisation and the manner of performing of the activity;
- the rights and obligations of the persons using the services of the Academy;
- the composition, the manner of establishing and the competence of the Programme Council;
- the rights, obligations and liabilities of the Academy in legal relations;
- and other matters.

(3) The Managing Board of the Academy shall adopted the Statute by 2/3 majority of votes from the total number of the board member upon previous opinion given by the Government

(4) The Statute and other acts of the Academy shall be published in the “Official Gazette of the Republic of Macedonia” or by other means, which will enable them available for the public.

Activity of the Academy

Article 6

The Academy shall perform the following activities:

- shall organise and implement the initial training of candidates for judges and prosecutors;
- shall organise and implement continuous professional training for judges and prosecutors;
- shall organise and implement training for educators;
- shall organise and implement continuous professional training for the judicial and prosecution clerks;
- may organize and implement training for lawyers, public notaries, and the similar but without deranging the activity of the Academy.
- shall organise and implement conferences, seminars, and other forms of training and professional education;
- shall establish and maintain co-operation with similar local and foreign institutions, organisations and associations;
 - shall publish publications and perform other publishing activity for its own needs;
- shall organise and keep a library;

-shall perform other activities determined by the law and Statute of the Academy (hereinafter Statute) in accordance with this Law.

II. BODIES OF THE ACADEMY

Article 7

- (1) The bodies of the Academy are: the Managing Board, the Director, the Executive Director and the Programme Council.

Managing Board

Article 8

- (1) The Managing Board is the management body of the Academy, composed of 11 (eleven) members.
- (2) Members of the Managing Board by their function will be: the President of the Republic Judicial Council, President of the Supreme Court of the Republic of Macedonia, the Public Prosecutor of the Republic of Macedonia and the Minister of Justice.
- (3) The Supreme Court of the Republic of Macedonia on its general session shall appoint 2 (two) members of the Managing Board, i.e. 1 (one) of them shall be a judge of the Supreme Court of Republic of Macedonia, and the second member shall be a judge in the courts of lower instance, and also their deputies.
- (4) The Collegium of Public Prosecution Office of the Republic of Macedonia shall appoint 1 (one) member of the Managing Board and its deputy.
- (5) The Council of Public Prosecutors of the lower instance prosecution offices shall appoint 1 (one) member of the Managing Board and its deputy.
- (6) The Association of Judges of the Republic of Macedonia and the Association of Public Prosecutors of the Republic of Macedonia each shall appoint 1 (one) member for the Managing Board and its deputy.
- (7) The Minister of Justice of the Republic of Macedonia shall appoint 1 (one) member for the Managing Board and its deputy, among the civil servants employed with the Ministry of Justice;
- (8) The Director of the Academy shall participate in the activities of the Managing Board with no right to vote.

Competencies of the Managing Board

Article 9

(1) Managing Board has the following competencies:

- Adopts the Statute and other acts of the Academy and monitors their implementation;
- Appoints the President of the Managing Board;
- Appoints and dismisses the Director and the Executive Director;
- Appoints members of the Programme Council;
- Appoints members of the Commission for Qualification and Acceptance of Candidates and the members of the Commission for Final Exam;
- Determines the list of permanent and part-time educators;
- Determines the programme for admission exam, programme for initial training, programme for the final exam, programme for continuous professional training, specialised training programmes and program for training of educators and Program for Reflection of an appropriate and Equitable representation of citizens belonging to all communities in Republic of Macedonia in all programs of the Academy, on proposal of the Programme Council;
- Ensures finding financing sources and funds for operation of the Academy;
- Disposes with the assets of the Academy;
- Adopts financial programmes;
- Adopts Annual Financial Plan of the Academy and submits it to the competent authorities, as well as adopts the Balance Sheet of the Academy;
- Adopts the Annual Business Report of the Academy and submits it no later than 1st of March the following year to all institutions represented in the Managing Board;
- Gives directions for co-operation with the appropriate institutions and organisations in the country and abroad;
- Delivers the Rule of Procedures for its work;
- Defines the organisation and systematisation of the working positions of the Academy, on the proposal of the Director and other general acts; and
- Performs other activities determined by this Law and the Statute of the Academy.

Mandate of the Members of the Managing Board

Article 10

Except for the members appointed by their function, the members of the Managing Board are appointed for a period of 4 (four) years, with the right for one more mandate.

Termination the Office of a Member of the Managing Board

Article 11

(1) The mandate of the Managing Board member may terminate before the expiration of the mandate in the following cases:

- in case of given resignation;
 - in case of termination of the functions or status of employment granted by the authority
 - in case of prevention to conduct the duty member of the Managing Board in a time period longer than 6 (six) months;
- (2) In case of paragraph 1 of this article, the body shall appoint new member within a time period of 30 (thirty) days from the day when such termination of the function has been concluded.
- (3) The mandate of the newly appointed member shall last till the end of the mandate of the other members of the Managing Board.

President of the Managing Board

Article 12

- (1) The President of the Managing Board shall be elected from list of the judges and prosecutors, who are members of the Managing Board.
- (2) The mandate of the President of the Managing Board shall last two years with a right of new mandate.

The Manner of Operation of the Managing Board

Article 13

- (1) The President of the Managing Board shall convene and chair the sessions of the Managing Board. The Managing Board shall have at least two sessions in a year.
- (2) The sessions of the Managing Board can be convened also on request by the Director, or member of the Managing Board on the grounds of written explained request.
- (3) The Managing Board shall hold the sessions if the majority of the members of the Managing Board are present at such meeting.

The Manner of Taking Decisions by the Managing Board

Article 14

- (1) The Managing Board shall take decisions by majority of votes from total number of members of the Managing Board, unless it is stipulated differently with the Statute.
- (2) If the quorum stipulated in paragraph (1) of this article is not assured for purpose of bringing decisions, the session will be postponed and the President shall schedule new session within a time period of 30 (thirty) days.

Expenditure remuneration of the Members of Managing Board

Article 15

- (1) The members of the Managing Board are entitled of remuneration for the travel and daily expenses in accordance with the effective laws and regulations.

The Director of the Academy

Article 16

- (1) The Director is the managing body of the Academy.
- (2) The Director of the Academy (hereafter director) is appointed by the Managing Board upon public announcement published in the “Official Gazette of the Republic of Macedonia” and at least in two daily newspapers of which one is in the language spoken by at least 20% of the citizens belonging to all of the communities in Republic of Macedonia..
- (3) As a Director of the Academy can be appointed a person having at least 10 (ten) years working experience as a judge or public prosecutor, and who speaks one of the international languages.
- (4) The manner and procedures for appointing the Director of the Academy shall be defined by the Statute.

Mandate of the Director

Article 17

The Director of the Academy shall be appointed for a mandate of 4 (four) years with a possibility of re-appointment for this office.

Rights and Obligations of the Director

Article 18

The Director has the following rights and obligations:

- represents the Academy;
- ensures the execution of the decisions of the Managing Board;
- manages the operation of the Academy;
- submits the working draft programme, draft training program as of article 9, paragraph 7, draft working report,
- participates in the work of the Managing Board and Programme Council;
- proposes List of Educators;
- ensures the lawfulness of the Academy operation;
- performs other duties necessary for the operation of the Academy in accordance with the law, Statute and general acts.

Executive Director of the Academy

Article 19

- (1) The Executive Director is an executive body of the Academy.
- (2) The Executive Director of the Academy is appointed by the Managing Board upon public announcement published in the “Official Gazette of the Republic of Macedonia” and at least in two daily newspapers of which one is on the language spoken by at least 20% of the citizens belonging to all communities in Republic of Macedonia.

As an Executive Director of the Academy can be appointed a person who fulfils the following conditions along with the general requirements for employment:

- is citizen of the Republic of Macedonia;
- owns a Diploma from the Faculty of Law;
- has passed the bar exam;
- active knowledge of one of the world-wide spoken languages;
- has minimum of 8 (eight) years working experience in legal fields;
- has organisational capabilities.

Mandate of the Executive Director

Article 20

- (1) The Executive Director of the Academy is appointed for the period of 5 (five) years with the right to be re-elected.

Rights and Obligations of the Executive Director

Article 21

- (1) The Executive Director has the following rights and obligations:
 - enforces the execution of the Managing Board decisions;

- co-ordinates and organise the work process;
- organises the work and implementation of the programmes determined by the Managing Board;
- participates in the work of the Programme Council;
- manages the technical services department;
- performs other duties delegated by the Director of the Academy or which derives from the acts of the Academy.

Termination of Mandate of the Director and Executive Director

Article 22

- (1) The mandate of the Director and the Executive Director shall be terminated before the expiration of the period of their appointment in the following cases:
- on his / her request;
 - due to confirmed permanent incapability for work; and
 - fulfilment of the conditions for pension.
- (2) The Director and the Executive Director can be dismissed before the expiration of the period of their mandate in following cases:
- If he /she is convicted with unconditional imprisonment of at least six;
 - Due to unlawful and irresponsible performing of the function;
 - Due to unlawful and irresponsible management of financial funds;
- (3) The procedure for termination of mandate and dismissal of the Director and Executive Director shall be regulated by the Statute of the Academy.

Programme Council

Article 23

- (1) The Programme Council is a expert body of the Academy.
- (2) The Programme Council is composed by seven (7) members appointed from the list of the judges, prosecutors and representatives from the Ministry of Justice as well as of other legal experts.
- (3) The composition of the Programme Council, the manner of its foundation, appointment of members and the manner of its operation shall be defined by the Statute of the Academy.
- (4) The members of the Programme Council may not be members of the Managing Board of the Academy, of the Commission for Qualification and Admission and also can not be members of the Commission for Final Exam.

The Competence of the Programme Council

Article 24

- (1) The Programme Council shall give instructions and shall make the drafts and programme proposals for: the admission exam, initial training, final exam and continuous professional education, training of educators and other special training programmes.
- (2) The content of the programmes stipulated in paragraph 1 of this article will be defined by the Statute of the Academy.

Equitable Representation in the Bodies of the Academy

Article 25

The principle of appropriate and equitable representation of citizens belonging to all communities in Republic of Macedonia will apply at the moment when the bodies of the Academy would be constituted, appointment of educators, constituting the Commission for Qualification and Admission of Candidates, and the Commission for Final Exam.

III. EDUCATORS IN THE ACADEMY

The Educators

Article 26

- (1) The Educators are experts who will directly implement the training programs;
- (2) The Educators can be hired as permanent and part-time educators.
- (3) The educators shall be selected from the pool of judges and prosecutors as well as eminent experts in specific field.
- (4) The closer criteria for determining the permanent and part-time educators shall be defined by the Statute.
- (5) The educators can not be members of the Managing Board, Commission for Qualification and Admission as well of the Commission for Final Exam.

The Remuneration of the Educators

Article 27

- (1) The educators are entitled of salary for performed work and right for remuneration of the expenses linked with preparation and implementation of training.
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- (2) The manner of utilisation of the rights set up as in paragraph (1) of this article shall be defined by the Managing Board based on previously granted consent of the Minister of Justice.

TECHNICAL SERVICES DEPARTMENT OF THE ACADEMY

Technical Services Department

Article 28

- (1) The Technical Services Department will be established for the purposes to conduct expert, administrative - technical and additional works in the Academy.
- (2) The tasks and duties of the employees in technical service department shall be regulated with Acts for Internal Organisation and Systematisation of the working posts.

Article 29

- (1) With respect to the rights, responsibilities and the liabilities of the employees in the Academy, the provisions from the law that regulates the labour relations in the judiciary bodies shall be applicable.

V. FINANCING AND FUNDS FOR OPERATION OF THE ACADEMY

Sources of Financing

Article 30

- (1) The financial funds for the work of the Academy shall be assured from the Budget of the Republic of Macedonia, actually through the "Court Budget:"
- (2) Other sources of financing are:
 - donations and gifts;
 - trough realisation of own incomes and incomes gained from publications, project implementations, grants and other incomes.
- (3) The Academy cannot accept any funds, which might influence on its independent status.

Offices and Equipment

Article 31

The Government of the Republic of Macedonia shall provide appropriate offices and equipment for conducting the operation of the Academy.

Purpose of Finances

Article 32

- (1) The funds for the operation of the Academy shall be used for the following purposes:
 - implementation of entrance and final exam;
 - implementation of the initial training programmes, programmes for continuous professional training, special programmes and program for training of educators;
 - payment of remuneration to the candidates during the attendance of the initial training in the Academy;
 - payment of the salaries to the Academy employees;
 - remuneration of the costs of the members of Managing Board;
 - salary and remuneration of the costs for the educators for performed work;
 - payment of remuneration to the members of the Commissions;
 - on-going and regular expenses;
 - supply and maintenance of necessary equipment; and
 - other expenses in relation with the Academy operation, approved by the Managing Board.
- (2) The manner of using the working means of the Academy will determined by the Statute

VI. INITIAL TRAINING

Public Announcement for Admission in the Academy

Article 33

- (1) The admission of the candidates to attend the program for initial training in the Academy shall be done upon public announcement.
- (2) The public announcement defined in paragraph (1) of this article will be announced by the Managing Board according to the needs and available posts for judges and deputy public prosecutors at the basic courts and basic public prosecutor offices determined by the Republic Judicial Council and by the Council of the Public Prosecutors.
- (3) The public announcement shall be published in the “Official Gazette of the Republic of Macedonia” and at least in two daily newspapers of which one is in the language spoken by at least 20% of the citizens belonging to all communities in Republic of Macedonia. The deadline for submitting the applications would be 15 days calculating from the date of publishing the announcement in the “Official Gazette of Republic of Macedonia”.

The Candidates

Article 34

(1) The candidates must fulfil the following conditions for admission in the Academy:

1. The general employment conditions defined by the Law for starting an Employment in Courts and Public Prosecution Offices;
2. The Special conditions:
 - degree in law
 - active knowledge of one of the world-wide spoken Languages;
 - passed bar exam; and
 - at least one year of working experience in the legal field after passing the bar exam.

Entrance Exam

Article 35

The entrance examination at the Academy shall be available to everyone who fulfils the conditions for admission in the Academy defined by this law and with the Statute of the Academy.

Equitable Representation

Article 36

During the process of selection of candidates for admission in the Academy without breaking the criteria foreseen in this Law, the equal and adequate representation of the citizens belonging to all communities in the Republic of Macedonia shall be ensured.

The Commission for Qualification and Admission of Candidates

Article 37

- (1) The Commission for Qualification and Admission of candidates is composed of 7 (seven) members with a mandate of 1 (one) year:
- (2) The Commission as of paragraph (1) of this article shall be constituted by the Managing Board of the Academy in the following composition: four members upon proposal of the Republic Judiciary Council, two members upon proposal of the Council of Public Prosecutors and one member upon proposal of the Minister of Justice.

- (3) The members of the Managing Board, the Director and the Executive Director of the Academy can not be members of the Commission defined in paragraph (1) of this article.

Duration of the Initial Training

Article 38

- (1) The initial training of the candidates shall last for 15 months and shall encompass five months lectures in the Academy and ten months practical training in court or prosecution office under the supervision of judges and prosecutors;
- (2) Judges and public prosecutors are mentors who give directions and advices upon which the candidates are working during the practical training in the courts or prosecution offices. The mentors in the courts and the prosecution offices are determined by the Republic Judicial Council and the Public Prosecutors Council.
- (3) During the last month of the training the candidate prepares his/her self for passing the final exam at the Academy.

Final Exam

Article 39

- (1) The candidate who has attended initial training shall have the final exam before Final Examining Commission.
- (2) The Commission from paragraph 1 of this article shall be consisted of seven members with a mandate of one year.
- (3) The Managing Board of the Academy shall constitute the Commission, i.e.: 4 (four) members on proposal of the Republic Judicial Council, two members on proposal of the Council of Public Prosecutors and one member on proposal of the Minister of Justice.
- (4) The members of the Managing Board, the Director, the Executive Director and the members of the Commission for Qualification and Admission can not be at the same time members of the Commission from paragraph (1) of this article.

System for Evaluation the Success of the Candidates

Article 40

- (1) The evaluation of success of the candidates, who have passed the final exam in the Academy, shall be made by the Commission based on the following criteria:

1. The study grades achieved during the course of (curricula);

2. The grades received by the monitor- judges/prosecutors;
 3. The grade awarded at the final exam,
- (2) Pursuant to the total score of achieved results for each of the criteria listed in paragraph 1 of this article the admission rank list of candidates will be established.
- (3) The manner of evaluation of the success, grades and achieved results of candidates shall be defined in details with the Statute of the Academy.
- (4) The candidate who is not satisfied has a right to object the decision through the Commission for Final Exam within eight days from the reception of the results. After the reached decision by the Commission the unsatisfied candidates can appeal within 15 days from the day of the reception of the decision to the Managing Board
- (5) The admission rank list of candidates shall be delivered to the Managing Board of the Academy by the Commission for Final Exam.
- (6) The Managing Board of the Academy will submit the list from the previous paragraph to the Republic Judicial Council and to the Council of Public Prosecutors.

Rights and Obligations of the Candidates

Article 41

- (1) During the course of attending the initial training the candidate is entitled to the right of salary in amount of 70% of the salary of an associate (*Job post before being appointed as a judge or prosecutor*) in the principal court and the right of collective health insurance in accordance with the insurance regulations.
- (2) After a successful completion of the initial training, the person shall acquire a capacity of candidate judge or candidate public prosecutor and shall be awarded with certificate, in accordance with the form stipulated by the Managing Board of the Academy.
- (3) Depending on the candidate's position in the Ranking list, the candidate shall assign for the candidacy for a judge or public prosecutor.
- (4) During the initial training programme the candidates are obliged to follow the regulations stipulated in the General Principles of the Academy.
- (5) The candidate, who shall withdraw from the training or passing the final exam from unjustified reasons, and the candidate who would fail to pass the final exam, shall compensate the expenses and other costs for the training, in a manner defined by the Statute of the Academy.

VII. CONTINUOUS PROFESSIONAL TRAINING

Objective and Content of the Continuous Professional Training

Article 42

- (1) The continuous professional training has an objective to maintain and improve the knowledge and skills in performance of judiciary and prosecution office.
- (2) The continuous professional training of judges and prosecutors shall be implemented through a general and special – specialised programmes, which will cover the application of substantive and procedural laws, the modifications of the laws and regulations, ethic standards of behaviour, the latest scientific and professional accomplishments in the field of national and international law, especially the law of the European Union, the judicial and prosecution practice, etc.
- (3) The civil servants employed in the Ministry of Justice, who are working in the area of judiciary, are entitled to the right of continuous and periodical professional training in the Academy within the frames of specialised programs.

The Duration of Continuous Professional Training of Judges and Prosecutors

Article 43

- (1) The judges and prosecutors have a right and obligation to continuous professional training in the Academy, depending on their work experience.
- (2) The duration of the continuous professional training of judges and prosecutors having work experience of up to 8 (eight) years for the post of judge or prosecutor is at least 50 (fifty) hours during the course of the year.
- (3) The duration of continuous professional training of judges and prosecutors having work experience longer than 8 (eight) years for the post of judge or prosecutor is at least 30 (thirty) hours during the course of the year.
- (4) The duration of continuous professional training of judges and prosecutors having work experience longer than 15 (fifteen) years for the post of judge or prosecutor is at least 15 (fifteen) hours during the course of the year.

Program for Continuous Professional Training

Article 44

- (1) The Academy shall prepare a Programme for Continuous Professional Qualification for the following year and deliver it to the courts, prosecution offices and the Ministry of Justice latest by the end of October.
- (2) The Academy shall maintain separate evidence for the judges, prosecutors and civil servants from the Ministry of Justice as of article (42) of this Law who have attended the activities provided by the Programme with regard to paragraph (1) of this article.

(3) The Academy shall award Certificates to the judges and prosecutors and the civil servants of the Ministry of Justice referred to in Article 41, paragraph 3 of this Law, for the number of hours/classes spent for professional qualifications, and shall submit such data to the Republic Judicial Council, the Council of Public Prosecutors, and the Minister of Justice.

Professional Training of Judiciary and Prosecution Personnel

Article 45

The professional training of the judiciary and prosecution personnel shall be implemented through separate programmes, which shall be determined by Managing Board of the Academy.

Rights of the Participants

Article 46

(1) The participants have a right of remuneration of daily and travel expenses suffered during the programme participation and qualification, when the activities are taking place outside their working posts.

Audit

Article 47

The Ministry of Justice is auditing the implementation of the provisions of this law.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Article 48

The Academy for Training of Judges and Prosecutors is a legal successor of the Centre for Continuous Education operating within the Association of Judges of the Republic of Macedonia.

Article 49

From the date of entering into force of this Law the employees of the Centre for Continuous Education operating within the Association of Judges of the Republic of Macedonia shall continue to perform their tasks at the Academy and by the adoption of the Act of Systematisation shall be transferred to appropriate work posts.

Article 50

The Government of the Republic of Macedonia is obliged to provide the required facilities for commencement and further operation and implementation of the Academy programmes for initial training and continuous training programmes, no later than 3 (three) months from the date of entering into force of this Law.

Article 51

- (1) The appointment of the Managing Board of the Academy members shall be made within 30 (thirty) days from the date of entering into force of this Law.
- (2) The constitutive session of the Managing Board of the Academy shall be convened the Minister of Justice within 15 (fifteen) days from the date of appointment of members of Managing Board of the Academy.

Article 52

The President of the Managing Board shall be elected at the first constitutive meeting of the Academy Managing Board.

Article 53

- (1) The Managing Board of the Academy shall adopt the decision for public announcement for the position of the Director of the Academy within 15 (fifteen) days from the date of holding the constitutive meeting of the Managing Board.
- (2) The appointment of the Director shall be made by the Managing Board no later than 30 (thirty) days after the expiration of the application term.

Article 54

The Statute and other general acts provided by this Law, shall be adopted within 30 (thirty) days from the date of constitution of the Managing Board.

Article 55

The Programme Council shall be established within a time period of 2 (two) month from the date of constitution of the Managing Board.

Article 56

- (1) The professional qualification of the newly elected judges and newly appointed prosecutors in the basic courts and basic prosecutor offices who have not attended the Academy and who have less than three years of working experience as a judge or prosecutor shall be realised in time period of three months at the Academy.
- (2) The Programme of professional qualification as of paragraph (1) of this article shall be conducted twice a year, as follows: for appointed judges and prosecutors

in the first half of the year will take place in October, and for those appointed in the second half of the year, will take place in April the following year.

Entering into Force

Article 57

This Law shall enter into force on the eight day following that of its publication in the “Official Gazette of the Republic of Macedonia”.